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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,856	12/21/2001	Jonathan Robert Burnett	SPFE-0001-1	5738
22506	7590	03/21/2005	EXAMINER	
JAGTIANI + GUTTAG 10363-A DEMOCRACY LANE FAIRFAX, VA 22030			PARDO, THUY N	
			ART UNIT	PAPER NUMBER
			2165	

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/023,856	BURNETT, JONATHAN ROBERT	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thuy Pardo	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13,15-18,26-28,42-44,52 and 53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13,15,17,18,26-28,42-44,52 and 53 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/31/2002</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Applicant's Response to Election/Restriction has been reviewed. Applicant elects Group I: 1-13, 15-18, 26-28, 42-44, 52, and 53.

2. Claims 1-13, 15-18, 26-28, 42-44, 52, and 53 are presented for examination.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-13, 15, 17, 18, 26-28, 42-44, 52, and 53 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Harrington** U.S. Patent No. 5,895,454, in view of **Herz et al.** (Hereinafter "Herz") U.S. Patent No. 6,571,279.

As to claim 1, Harrington teaches the invention substantially as claimed, comprising:  
a database [10 of fig. 1] having records of user purchasable products, each said record including fields for at least identification and geographical availability of said product [col. 2, lines 62-65; col. 3, lines 32-59];

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an input means [inherent in the system in order to submit query, 23 of fig. 2] for receiving input data from a user related to a preferred product which is selected from one of said product identification fields of said records [col. 3, lines 48-65; col. 5, lines 40-47];

searching means [search engine, col. 5, lines 44-47] for searching said database according to said input data and for determining a search result [col. 5, lines 35-47], said search result relating to those of said records including products meeting said product identification fields [col. 2, lines 51-67; ab]; and

an output display means for displaying said search result to said user provide [col. 2, lines 51-61; col. 4, lines 14-15; ab].

However, Harrington does not explicitly teach a distance value and a preferred geographical location from which said preferred product is to be sourced. Herz teaches a distance value and a preferred geographical location from which said preferred product is to be sourced [col. 26, lines 16-28; col. 25, lines 26-45].

Therefore, it would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to have modified Harrington's system for identifying appropriated websites which meet the user's specific criteria about the products provided thereof would have incorporated the teachings of Herz for utilizing a location-enhanced product finder; the motivation being to expand and enhance the versatility of Harrington's system is to locate the local stores within a radius which most closely match the interest criteria to optimize search operation of finding objects containing the data of interest.

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As to claim 2, Harrington and Herz teach the invention substantially as claimed. Herz further teaches that said preferred geographical location is a co-ordinate value and said boundary is determined by a radius thereabouts corresponding with said distance value [col. 17, lines 25-33; col. 25, lines 26-45; col. 27, lines 16-28].

As to claim 3, Harrington and Herz teach the invention substantially as claimed, with the exception that said geographical location is in longitudinal and latitudinal form. However, this feature is inherent in the system since Harrington teaches that user may select an area of interest in sub-regions on the map [col. 5, lines 25-61].

As to claim 4, Harrington and Herz teach the invention substantially as claimed. Herz further teaches that each said record of user purchasable products further includes at least one product attribute field and said input data is further related to said product attribute field [col. 12, lines 25 to col. 13, lines 60].

As to claim 5, Harrington and Herz teach the invention substantially as claimed. Herz further teaches said search result can be sorted by the user on the basis of said product attribute field [col. 13, lines 48-60].

As to claim 6, Harrington and Herz teach the invention substantially as claimed. Harrington further teaches that each said record of user purchasable products further includes a pricing field and said input data is further related to said pricing field [col. 4, lines 35-50].

As to claim 7, Harrington and Herz teach the invention substantially as claimed. Herz further teaches search result can be sorted by the user on the basis of said pricing field [col. 23, lines 50-56].

As to claim 8, Harrington and Herz teach the invention substantially as claimed. Harrington further teaches said database and said searching means is accessible over the Internet by a user of said input means [see fig. 2].

As to claim 9, Harrington and Herz teach the invention substantially as claimed. Herz further teaches said search result can be sorted by the user on the basis of said distance value [col. 17, lines 25-33; col. 25, lines 26-45; col. 27, lines 16-28].

As to claims 10-13, 15, 18, 26-28, 30, all limitations of these claims have been addresses in the analysis above, and these claims are rejected on that basis.

As to claim 17, Harrington and Herz teach the invention substantially as claimed. Herz further teaches that an authorized supplier can access one or more temporary storage elements [col. 25, lines 26 to col. 26, lines 48].

As to claim 42, Harrington and Herz teach the invention substantially as claimed. Harrington further teaches that a wireless communication path for communicating said input

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query information or said input data between said input means and said searching means via said adjustment means [fig. 2].

As to claim 43, Harrington and Herz teach the invention substantially as claimed. Herz further teaches that said wireless communication path includes the use of SMS protocol [col. 3, lines 48 to col. 4, lines 5].

As to claim 44, Harrington and Herz teach the invention substantially as claimed. Herz further teaches said context information is selected from the group consisting of geographical location data, user telephone number and a time of day [col. 3, lines 48 to col. 4, lines 5].

As to claim 53, all limitations of this claim have been addressed in the analysis above, and this claim is rejected on that basis.

***Allowable Subject Matter***

Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claim 16, the feature that said fields relating to pricing are associated with a temporary storage element, the data within which is periodically checked according to temporal statement and if said check is true, then said data is loaded into said associated field related to

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pricing, taken together with other limitations of claim 15 was not disclosed by the prior art of record.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Pardo, whose telephone number is 571-272-4082. The examiner can normally be reached Monday through Thursday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at 571-272-4083.

The fax phone number for the organization where this application or proceeding is assigned are as follows: (703) 872-9306 (Official Communication)

and/or:

571-273-4082 (*Use this Fax#, only after approval by Examiner, for "INFORMAL" or "Draft" communication. Examiner may request that a formal/amendment be faxed directly to them on occasions*).

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231



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**or faxed to:**

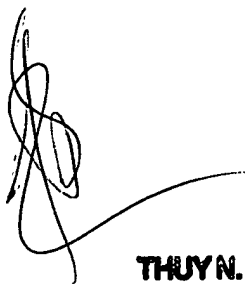
(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 308-5359, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington. VA., Sixth Floor (Receptionist).

March 17, 2005

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

**THUY N. PARDO**  
**PRIMARY EXAMINER**